

1 **DAVID M. MICHAEL, SBN 74031**
2 **LAW OFFICES OF DAVID M. MICHAEL**
3 **101 California Street, Suite 2450**
4 **San Francisco, CA 94111**
5 **Telephone: (415) 946-8996**
6 **Facsimile: (877) 538-6220**
7 **E-mail: dmmp5@aol.com**

8 **Attorney for Claimant**
9 **MATTHEW D. GRAVES**

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA

13 **No. CV 09 2277 MMC**

14 Plaintiff,

15 v.

16 **STIPULATION AND**
17 **~~[PROPOSED]~~ ORDER FOR STAY**
18 **OF PROCEEDINGS PURSUANT**
19 **TO 18 U.S.C. § 981(g): DIRECTING**
20 **PARTIES TO FILE JOINT STATUS**
21 **REPORT**

22 APPROXIMATELY \$4,138.00 IN
23 UNITED STATES CURRENCY, et.al.,

24 Defendant.

25 _____/
26 MATTHEW D. GRAVES,

27 Claimant.

28 _____/.

IT IS HEREBY STIPULATED by and between Plaintiff UNITED STATES OF AMERICA and Claimant MATTHEW D. GRAVES, through their respective counsel, that this matter be stayed pursuant to 18 U.S.C. § 981(g).

2. There exists a related state felony criminal prosecution of Claimant in *People v. Graves*, Mendocino County Superior Court Case No. MCUK-CRCR-08-87560-02. Some of the issues in that case are related to this forfeiture proceeding. In that case, it is anticipated that the

1 parties will litigate a motion to suppress which will be heard by the state trial court. The issues to
2 be decided in that hearing may be relevant to the proceedings in this case.

3 3. If this case were to proceed, claimant's Fifth Amendment rights against self-
4 incrimination will be burdened in the related criminal case.

5
6 3. The provisions of 18 U.S.C. § 981(g)(2), related to stays of civil forfeiture proceedings,
7 provide that "[u]pon the motion of a claimant, the court shall stay the civil forfeiture proceeding
8 with respect to that claimant if the court determines that (A) the claimant is the subject of a
9 related criminal investigation or case; (B) the claimant has standing to assert a claim in the civil
10 forfeiture proceeding; and (C) continuation of the forfeiture proceeding will burden the right of
11 the claimant against self-incrimination in the related investigation or case.

12
13 4. Pursuant to the above representations, and the provisions of 18 U.S.C. § 981(g)(2), the
14 parties hereby stipulate and agree to stay this civil forfeiture proceeding until the completion of
15 the criminal proceedings in Mendocino County state court or until such earlier time as either
16 party, or this Court, may request that the matter be heard.

17
18 5. The parties further stipulate and agree that they request this Court also take off
19 calendar the presently scheduled Case Management Conference of 28 August 2009, at 10:30 a.m..

20
21 IT IS SO STIPULATED:

22 Dated: 31 July 2009

JOSEPH P. RUSSONIELLO
United States Attorney

24 S/ARVON J. PERTEET
25 ARVON J. PERTEET
26 Assistant United States Attorney
Attorney for the United States of America

1 Dated: 31 July 2009

2 S/DAVID M. MICHAEL
3 DAVID M. MICHAEL
4 Attorney for Claimant
5 MATTHEW D. GRAVES
6

7 **ORDER**

8
9 IT IS SO ORDERED on this 3rd day of August, 2009, pursuant to the
10 foregoing stipulation, that ~~the~~ this civil forfeiture proceeding be stayed until the completion of the
11 criminal proceedings in Mendocino County state court or until such earlier time as either party, or this
12 Court, may request that the matter be heard.

13 IT IS FURTHER ORDERED that the presently scheduled Case Management Conference of
14 28 August 2009, at 10:30 a.m. is hereby taken off calendar. The parties shall file, no later than
15 November 2, 2009, a joint status report advising the Court of the status of the related criminal
16 proceedings.

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18 Dated: August 3, 2009

19 
20 HONORABLE MAXINE M. CHESNEY
21 United States District Court Judge
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